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PIERCE COUNTY, WASHINGTON
KEVIN STOCK, County Clerk
BY _____ DEPUTY

SUPERIOR COURT OF WASHINGTON IN AND FOR PIERCE COUNTY

AMBER WRIGHT,

Plaintiff,

No. 09 2 06018 1

v.

COMPLAINT

STATE OF WASHINGTON, DEPARTMENT
OF SOCIAL AND HEALTH SERVICES; and
BRUCE MORRISON, individually and in his
official capacity acting under color of State
law,

Defendants.

COMES NOW, the Plaintiff, Amber Wright, and alleges as follows:

I. INCORPORATION

By this reference, each paragraph contained herein is incorporated as support for each paragraph which follows.

II. PARTIES

1. Plaintiff Amber Wright ("Amber") is a resident of Grays Harbor County, Washington.

2. Defendant Department of Social and Health Services ("Defendant DSHS") is an agency of the State of Washington which was, at all times material to this action, charged with the protection and care of Amber.

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3. There exist various agencies/sub-agencies/divisions/programs that fall within the purview of Defendant DSHS. In this action there were agencies/sub-agencies/divisions/programs which acted on behalf of Defendant DSHS with the responsibility to protect and care for Amber.

4. The various agencies/sub-agencies/divisions/programs referenced in paragraph 3 above include, but are not limited to, Child Protective Services ("CPS").

5. Defendant Bruce Morrison ("Defendant Morrison") was, at all times material hereto, a Social Worker/Investigator with CPS.

III. JURISDICTION

6. Amber brings this action against Defendants, residents of the State of Washington.

7. A Tort Claim was filed on or about May 19, 2008 in accordance with RCW Chapter 4.92 *et seq.*

8. More than sixty (60) days have passed since the Tort Claim Form was filed.

IV. VENUE

9. The acts and omissions forming the basis of this Complaint occurred in Pierce County, Washington.

V. FACTUAL SUMMARY

10. Amber is currently 18 years old. At all times material to this action, Amber was extremely vulnerable.

11. On April 24, 2004, when Amber was approximately thirteen years old, CPS received a call from David Wright (“Wright”), Amber’s father, stating that Amber’s mother was using drugs and neglecting both Amber and her younger brother.

12. Shortly after this referral, Amber and her younger brother began living full-time with Wright.

1 13. When Amber went to live with Wright, she was extremely vulnerable. She was a
2 lifetime victim of abuse and neglect, and needed a stable, consistent and non-abusive home.

3 14. Defendant DSHS was keenly aware of Amber's history of being abused. In the
4 prior year, DSHS had received two referrals regarding Amber's mother.

5 15. On July 31, 2004, less than four months after Amber went to live with Wright, the
6 Sumner Police Department cited Wright for giving alcohol to minors.

7 16. On August 7, 2004, the Sumner Police Department received information that
8 Wright had given alcohol and methamphetamines to minors. Wright also solicited minor girls
9 for "hand jobs" and to show him their breasts. Wright also asked minor girls to play strip poker
10 with him. These same girls witnessed Wright ask his daughter, Amber, to dance naked for him.

11 17. On August 18, 2004, Wright was arrested for child molestation, providing
12 methamphetamines to minors, attempted child molestation, and five counts of communicating
13 with a minor for immoral purposes.

14 18. Temporary custody of Amber was given to Wright's mother, Ellen Buckner.

15 19. On August 18, 2004, Defendant DSHS was also notified of Wright's arrest, the
16 temporary placement of Amber, and the charges against Wright.

17 20. Defendant DSHS opened referral number 1543537 and tagged it as a "Risk Tag:
18 4 - Mod High." The referral was assigned to Defendant Morrison for investigation.

19 21. After Wright's arrest, the Sumner Police Department continued to interview
20 young girls.

21 22. During the course of the investigation, the Sumner Police Department interviewed
22 girls as young as six years old who reported that Wright sexually molested them.

23 23. A sixteen year-old girl reported that Wright asked her to have sex with him
24 because she was "legal."

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1 24. Another girl reported that Wright had given her methamphetamine, asked her to
2 take her clothes off, and asked if he could shower with her. This same girl reported hearing
3 Wright ask Amber to walk around the house without a shirt on.

4 25. A six-year-old girl reported that Wright put his hands down her pants.

5 26. A ten-year-old boy reported that Wright told him he could take his clothes off
6 while he stayed the night at Wright's apartment.

7 27. Wright asked a ten-year-old girl to take her clothes off for him. He told her that if
8 she did, he would touch her.

9 28. On August 20, 2004, Wright was released from jail. Amber remained with
10 Wright's mother.

11 29. On August 25, 2004, Wright told the Sumner Police Department that he would
12 like to see his children. The Sumner Police Department advised Wright that seeing Amber was
13 up to Defendant DSHS.

14 30. The same day, Wright asked Defendant Morrison if he could visit with his
15 children. Defendant Morrison called the Prosecutor's office to see if there were any restrictions
16 on visitation. Defendant Morrison then proceeded to allow visitation between Wright and his
17 daughter to be supervised by Ms. Buckner, Wright's mother.

18 31. On October 20, 2004, Defendant Morrison received a call from Wright asking if
19 he could have his children. Defendant Morrison told Wright that he "could not prevent him from
20 getting a[n] apartment with his children." Defendant Morrison also told Wright that he "had
21 nothing to say about him getting his children back."

22 32. Wright's mother, Ms. Buckner, told Defendant Morrison that the children were
23 doing so well she did not want them to leave. Amber and her brother were attending school
24 regularly while living with Ms. Buckner.



1 33. On October 23, 2004, Defendant Morrison closed the referral as unfounded.
2 Defendant Morrison closed the referral "based on the lack of evidence and Amber's failure to
3 disclose."

4 34. In his Investigative Assessment, Defendant Morrison acknowledges that if the
5 children stay with their grandmother, their risk is minimal. He also states that Amber is doing
6 well in school for the first time in several years.

7 35. Defendant Morrison performed no meaningful investigation.

8 36. Nevertheless, Defendant Morrison allowed Amber to be placed back into
9 Wright's house in Pierce County.

10 37. Shortly thereafter, Wright left Pierce County, taking Amber to live with him in
11 Pacific County.

12 38. From the day Defendant DSHS returned Amber to Wright, until May 17, 2005,
13 Amber was physically and sexually abused by Wright.

14 39. Virtually each night Amber spent in Wright's home, he would force Amber to
15 perform sexual acts, including oral and digital intercourse.

16 40. Wright often asked Amber to take off her shirt so that he could fondle her breasts.

17 41. Wright forced Amber to masturbate him to the point of ejaculation.

18 42. Wright would provide alcohol and drugs to Amber so that she would not resist his
19 sexual exploitation.

20 43. Wright physically abused Amber.

21 44. On May 17, 2005, Amber, ran away from Wright's home and reported that she
22 was being abused.

23 45. On November 14, 2005, the Raymond Police Department began an investigation.

24 46. On December 7, 2005, Wright was charged with fourteen counts of incest,
25 molestation and rape.
26

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1 47. On February 28, 2006, Wright entered an Alford plea and was sentenced to 41
2 months in prison.

3 48. As a result of these incidents, Amber's civil rights have been violated and she has
4 suffered profound and permanent physical damages, emotional damages, and debilitating
5 psychological consequences.

6
7 **VI. FIRST CAUSE OF ACTION: NEGLIGENCE**

8 49. Defendant DSHS, and those acting under its purview, had a duty to protect and
9 care for Amber by properly investigating any and all referrals and/or allegations of abuse and
10 neglect regarding Wright.

11 50. Defendant DSHS, and those acting under its purview, failed to properly
12 investigate any and all referrals and/or allegations of abuse and neglect regarding Wright.

13 51. Defendant DSHS, and those acting under its purview, had a duty to act reasonably
14 when receiving information about the dangerous proclivities of Wright.

15 52. Defendant DSHS, and those acting under its purview, failed to act reasonably
16 after receiving information about the dangerous proclivities of Wright.

17 53. As a direct and proximate result of the profound negligence of Defendant DSHS,
18 Amber has sustained serious and permanent damages.

19 **VII. SECOND CAUSE OF ACTION: VIOLATION OF 42 U.S.C. § 1983**

20 54. At all times relevant to this action, Defendant Morrison was acting as an agent of
21 the State of Washington, under color of State law, in his official capacity as social worker and
22 investigator for Child Protective Services.

23 55. At all times material to this action, Amber had a constitutionally protected liberty
24 interest in personal security, bodily integrity, being free from harmful physical contact or
25 emotional injury, and had a constitutionally protected right to equal protection, as well as a
26 constitutionally protected right to procedural and substantive due process of law.

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1 56. Defendant Morrison had a duty to ensure appropriate care for Amber, stood in a
2 special relationship with Amber, and owed a statutory and constitutional duty to protect Amber
3 from abuse and harm.

4 57. Defendant Morrison knew and/or should have known of the dangerous
5 proclivities of Wright. Defendant Morrison knew that Wright had a history of inappropriate,
6 dangerous, and assaultive behavior involving young girls. Defendant Morrison further knew that
7 Amber, by virtue of her age, was vulnerable and unable to make appropriate decisions with
8 regard to her personal safety.

9 58. Despite this knowledge, Defendant Morrison allowed Wright to regain
10 unrestricted custody of Amber, and failed to take appropriate protective action to prevent Amber
11 from being harmed by Wright.

12 59. These acts and omissions by Defendant Morrison created a dangerous
13 environment for Amber, causing her to suffer profound damages as a result of the many sexual
14 assaults and rapes which occurred after Wright was allowed, by Defendant Morrison, to regain
15 custody of Amber.

16 60. Through his acts and omissions, Defendant Morrison set in motion a series of acts
17 by Wright, and/or allowed a perpetuation of acts by Wright, which Defendant Morrison knew or
18 reasonably should have known would cause Wright to violate the constitutional rights of Amber.

19 61. The acts and omissions of Defendant Morrison constitute recklessness, deliberate
20 indifference, gross negligence and/or wanton misconduct with respect to the civil rights of
21 Amber.

22 62. As a direct and proximate cause of Defendant Morrison's violation of Amber's
23 civil rights, Amber is entitled to an award of damages, including punitive damages, attorneys'
24 fees and costs.



VIII. PRAYER FOR RELIEF

WHEREFORE, Amber prays for judgment as follows:

- A. For general and special damages sustained by Amber as a result of Defendant DSHS' negligent acts and omissions;
- B. For attorneys' fees, expert fees and costs incurred in prosecuting this action;
- C. Punitive Damages;
- D. Prejudgment interest; and
- E. For such other and further relief as the Court deems just and reasonable.

Dated this 17th day of February, 2009.

HAGENS BERMAN SOBOLO SHAPIRO LLP

By

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